

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOSE ACOSTA, JR.,**

**Plaintiff,**

**v.**

**No. 15-cv-0530 SMV/LAM**

**UNITED STATES OF AMERICA,**

**Defendant.**

**ORDER SETTING PRETRIAL CONFERENCE AND NON-JURY TRIAL**

THIS MATTER is before the Court on a telephonic status conference held on November 17, 2016. The following settings and deadlines are hereby imposed.

A Pretrial Conference will be held on **March 31, 2017, at 10:00 a.m.**, in the **Organ Courtroom in the United States Courthouse at 100 North Church Street in Las Cruces, New Mexico.** Lead trial counsel must be present for the Pretrial Conference. The parties need not be present.

The Non-Jury Trial will begin on **April 17, 2017, at 9:00 a.m.**, and end no later than **April 21, 2017**, in the **Organ Courtroom in the United States Courthouse at 100 North Church Street in Las Cruces, New Mexico.**

Witness lists, designations of deposition testimony, exhibit lists and books of exhibits, and requested findings of fact and conclusions of law are due no later than **March 20, 2017**. Any responses or objections are due **March 27, 2017**.

The parties are encouraged, but not required, to submit trial briefs outlining basic legal theories, anticipated evidence in support of the theories, and the legal basis of any anticipated evidentiary disputes. The briefs are due **April 10, 2017**.

**Witness Lists:** The parties must file witness lists on the record. Witnesses must be listed in the order in which they will be called. The list must indicate whether the witness is testifying by deposition or in person, whether the witness *will* be called or *may* be called, and whether the witness will offer any opinion testimony.

**Designations of Deposition Testimony:** The parties must also file designations of deposition testimony that they intend to use at trial. The designations must state the pages and lines of the deposition to be used. Counsel must submit copies of the depositions to the Court and must highlight the parts of the depositions that are to be used. These requirements do not apply to cross-examination or rebuttal of a witness presented in person at trial. If a party objects to the use of deposition testimony, the objecting party must mark those portions of the proposed deposition testimony to which the party objects. Marking must comply with D.N.M.LR-Civ. 10.6.

**Exhibits:** The parties, together, must file a consolidated exhibit list identifying all exhibits that the parties have stipulated are admissible. For those exhibits on which no stipulation could be reached, the offering party must file a contested exhibit list. The Court encourages the parties to resolve disputes over the authenticity of exhibits as early as possible. .

The parties must deliver to my chambers two identical copies of a binder containing the stipulated exhibits. Then, additionally, as to each side's contested exhibits, each side must deliver to my chambers two identical copies of a binder containing its contested exhibits. All

exhibits must be marked. Plaintiff's exhibits must be identified with numbers, and Defendant's must be identified with letters (e.g., A, B, C, . . . AA, AB, AC). The identification number or letter will remain the same whether the exhibit is admitted or not. Charts, plats, diagrams, etc., will be marked and ready as to measurements, landmarks, and other identifying factual material before trial.

**Requested Findings of Fact and Conclusions of Law:** The parties must file requested findings of fact and conclusions of law. In addition, the requested findings of fact and conclusions of law should be emailed in a format compatible with Microsoft Word to smvproposedtext@nmcourt.fed.us.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
United States Magistrate Judge  
Presiding by Consent